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AmCap NorthPoint LLC; AmCap Arborland LLC; and
Engineered Structures, Inc.*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION**

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In re : Chapter 11
:
CIRCUIT CITY STORES, INC., et al., : Case No. 08-35653 (KRH)
:
Debtors. : (Jointly Administered)
:
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MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE

Eatontown Commons Shopping Center, Arboretum of South Barrington Shopping Center, AmCap NorthPoint LLC, and AmCap Arborland LLC (collectively the “Landlords”),

interested parties in the above-captioned chapter 11 cases, by and through their undersigned counsel, and pursuant to the Court's Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures, hereby moves for leave of Court to attend the December 22, 2008 hearing by telephone. In support thereof, Landlords state as follows:

1. On November 10, 2008 (the "Petition Date"), the above-captioned debtors and debtors-in-possession (collectively, "Debtors"), filed voluntary petitions in this Court for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").
2. On November 25, 2008, the Debtors filed a Motion for Orders Under 11 U.S.C. §§ 105, 363, and 365 (I) Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases for Closing Stores, (II) Setting Sale Hearing Date, and (III) Authorizing and Approving (A) Sale of Certain Nonresidential Real Property Leases Free and Clear of Liens, Claims, and Encumbrances, (B) Assumption and Assignment of Certain Unexpired Nonresidential Real Property Lease, and (C) Lease Rejection Procedures.
3. On or about December 3, 2008, AmCap NorthPoint LLC filed a Joinder to Ventura in Manhattan, Inc., as successor in interest to MEPT Realty LLC, objection to the Debtors' Proposed Cure Amount and Motion for Orders Under 11 U.S.C. § 105, 363, and 365 (I) Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases for Closing Stores, (II) Setting Sale Hearing Date, and (III) Authorizing and Approving (A) Sale of Certain Nonresidential Real Property Leases Free and Clear of Liens, Claims, and Encumbrances, (B) Assumption and Assignment of Certain Unexpired Nonresidential Real Property Leases, and (C) Lease Rejection Procedures.

4. On or about December 17, 2008, Arboretum of South Barrington Shopping Center filed an Objection to Debtors' Motion for Orders Under 11 U.S.C. §§ 105, 363, and 365 (I) Approving Bidding and Auction Procedures for Sale of Unexpired Nonresidential Real Property Leases for Closing Stores, (II) Setting Sale Hearing Date, and (III) Authorizing and Approving (A) Sale of Certain Nonresidential Real Property Leases Free and Clear of Liens, Claims, and Encumbrances, (B) Assumption and Assignment of Certain Unexpired Nonresidential Real Property Lease, and (C) Lease Rejection Procedures.

5. The Landlords' arguments related to the Objections will be heard by this Court on December 22, 2008.

6. The Landlords' lead counsel, David C. Christian II and Robert W. Dremluk, have been representing Landlords in their negotiations with the Debtors and have a unique and complete understanding of the facts and circumstances related to the arguments made by the Landlords in the Objections.

7. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures (the "Order"). On page 5 of Exhibit A, the Order states:

g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

8. Neither Mr. Christian nor Mr. Dremluk will be able to appear in person on December 22 due to prior commitments, and Eatontown Commons Shopping Center, Arboretum of South Barrington Shopping Center, AmCap NorthPoint LLC, AmCap Arborland LLC, and Engineered Structures, Inc. respectfully ask for leave of court pursuant to the Order so that they may appear by telephone with Virginia counsel present in the courtroom.

9. Based on Mr. Christian's and Mr. Dremluk's unique knowledge of the facts and legal arguments in this case, the ends of justice would be served by allowing them to appear by telephone.

WHEREFORE, Eatontown Commons Shopping Center, Arboretum of South Barrington Shopping Center, AmCap NorthPoint LLC, and AmCap Arborland LLC respectfully request that this Court grant its Motion and enter an Order substantially in the form annexed hereto permitting David C. Christian II and Robert W. Dremluk to appear and be heard by telephone at the hearing on December 22, 2008 on behalf of Eatontown Commons Shopping Center, Arboretum of South Barrington Shopping Center, AmCap NorthPoint LLC, AmCap Arborland LLC and grant such other relief as necessary and appropriate.

Dated: December 19, 2008

SEYFARTH SHAW LLP

By: /s/ Alexander Jackins

Alexander Jackins (VSB #45501)

Rhett Petcher (VSB #65826)

David C. Christian II (*Pro Hac Vice Pending*)

Counsel for Eatontown Commons Shopping Center;
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CERTIFICATE OF SERVICE

I, Alexander Jackins, an attorney, hereby certify that on this 19th day of December, 2008, a copy of the foregoing was mailed, first-class, postage prepaid to:

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A copy was also served on all parties via the electronic case filing system.

By: /s/ Alexander Jackins

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